

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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June 22, 2004
Continued from June 15, 2004

FROM: JAMES A. FELTEN, Public Health Director
Department of Public Health

SUBJECT: FOOD ESTABLISHMENT GRADING SYSTEM FOR SAN BERNARDINO COUNTY

RECOMMENDATION: Adopt proposed ordinance adding Chapter 14 to Division 3 of Title 3 and adding subsection (b)(17) to Section 16.0213B of Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code, relating to the inspection grading of food establishments and the development of a "re-score inspection" fee, ~~waive reading of the entire text and continue to Tuesday, June 22, 2004, at 10:00 a.m. for adoption.~~

BACKGROUND INFORMATION: On April 27, 2004, Supervisor P. Biane introduced and the Board of Supervisors (Board) directed the Department of Public Health (DPH), Division of Environmental Health Services (EHS), to prepare an ordinance for adoption to be used for restaurant grading in San Bernardino County. In addition, the Chairman of the Board of Supervisors requested that EHS prepare an ordinance that proposed an alternative to restaurant grading.

On June 8, 2004, pursuant to the request made by the Board and its Chairman, EHS proposed two different ordinances for the Board to consider and to choose from in relation to inspections of food establishments conducted by EHS. At its June 8th meeting, the Board directed staff to revise the proposed Option A – ABC Grading ordinance, to include the following: a summary report system, a re-score inspection fee that reflects the actual cost of the re-score inspection, a 10 day turn-around time for EHS to carry out a re-score inspection, and a 90-day period before the ordinance becomes operative. These revisions were made to and are now reflected in the proposed ordinance presented in this item.

In addition, the Board of Supervisors provided direction to DPH at the June 8, 2004 meeting to develop an equipment replacement emergency loan program for small restaurants that are financially unable to keep equipment in compliance with health requirements. The Department will work with the County Administrative Office to develop this program and will return to the Board of Supervisors with a specific proposal and a request for funding.

As described to the Board on June 8, 2004, the proposed ABC Grading ordinance is an ordinance that provides for an inspection grading system of food establishments. The proposed ABC Grading ordinance amends the County Code by creating a food establishment grading system that requires the posting of a letter grade card, which includes an Inspection Summary Report, at each establishment that is clearly visible to the general public and all patrons. Letter grades are based upon the final numerical percentage score set forth in the official inspection report as follows: A grade of "A" indicates a final score of 90% or higher; a grade of "B" indicates a final score of 80% through 89%; and a grade of "C" indicates a final score of 70% through 79%.

Under this system, any food establishment that fails to attain a score of at least 80% on the routine inspection shall receive written notice of the deficiencies. The food establishment will then have 30 days to correct the deficiencies and file a written request for a re-score inspection provided by EHS. The ordinance requires EHS

Record of Action of the Board of Supervisors
**APPROVED/ORDINANCE CONTINUED FOR
ADOPTION TO TUE, 6/22/04 @ 10 A.M.**

**BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO**

MOTION	<u> NAY </u>	<u> MOVE </u>	<u> AYE </u>	<u> SECOND </u>	<u> AYE </u>
	1	2	3	4	5

J. RENEE BASTIAN, CLERK OF THE BOARD

BY _____

DATED: June 15, 2004

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to complete the re-score inspection within 10 County business days of EHS' receipt of the food establishment's request for a re-score inspection. An establishment failing to comply with the written notice, or failing to attain a 80% on the re-score inspection, may be immediately closed by EHS and remain closed until a score of at least 80% is achieved on a re-score inspection. Additionally, under this system and current practice, any establishment that is determined to have an imminent health hazard will be subject to immediate closure regardless of the inspection score. In this case, a Notice of Closure would be posted which includes the address and telephone number of the local EHS office responsible for oversight of the establishment.

Finally, this ordinance requires the Board to approve an amendment to the San Bernardino County Code, Schedule of Fees, to add a "re-score inspection" fee of \$52.00 per hour. A re-score inspection may be required (as provided in the ordinance), or requested by the food establishment. This fee is necessary to recover the cost of EHS returning to the food establishment for a complete inspection as described in the ordinance.

Upon the Board's adoption of this ordinance, the ABC Grading system will become operative in the unincorporated areas of the County beginning October 1, 2004. The Cities will be requested to adopt the County ordinance and incorporate it into their municipal codes. During the interim period, the food establishments and markets in the cities will have an opportunity to participate on a voluntary basis.

REVIEW AND APPROVAL BY OTHERS: This item has been reviewed by County Counsel (Scott Runyan, Deputy County Counsel (909) 387-9022) on June 10, 2004. This item has also been reviewed by the County Administrative Office (Beatriz Valdez, Administrative Analyst (909) 388-0211) on June 10, 2004.

FINANCIAL IMPACT: Per the direction of the Board of Supervisors at the June 8, 2004 meeting, the Department will bill actual costs associated with re-score inspections based on an hourly rate of \$52.00 as identified in the ordinance. This \$52.00 is based on an existing all-inclusive hourly rate. Currently this rate is not used extensively and has not been revised in a number of years. The rate will be reviewed during the first year of implementation of re-score inspections and the Department will return to the Board with any necessary adjustment in the next budget cycle. Appropriations and revenue in the amount of \$34,600 will be included in the Department's Fiscal Year 2004-05 Final Budget.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and recommends approval.

SUPERVISORIAL DISTRICT(S): All

PRESENTER: James A. Felten, Public Health Director, (909) 387-9146